

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 8875 of Philadelphia Road * ZONING COMMISSIONER
 1130 5th St. of Beatty Road * OF BALTIMORE COUNTY
 7706 Philadelphia Road * Case No. 90-351A
 14th Election District
 7th Councilmanic District
 Oliver W. Strong
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 415 A.1. to permit parking of a boat 8 ft. x 22 ft. and a boat trailer 9 ft. x 23 ft. in the front yard of his house at 7706 Philadelphia Road, in lieu of the required 8 feet setback, as more particularly described on Petitioner's Exhibit No.1.

The Petitioner, Oliver W. Strong, appeared and testified. There were no Protestants.

Testimony and evidence indicate that the subject property, known as 7606 Philadelphia Road, is zoned D.R.S.5, and is improved with an existing single family dwelling. Mr. Strong testified that he has stored a boat and trailer in his front yard for the past 12 years, but was recently advised that a change in the Baltimore County Zoning Regulations (S.C.2.R.) now prohibits such storage. He indicated that, in view of the narrowness of the side yards, there is insufficient area to locate the boat in his rear yard. He also testified that the boat is only stored in his front yard between the months of October and April and that, during the remainder of the year, the boat is stored at a relative's shore home with only the trailer remaining on the driveway.

An are variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *Molan v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted, in part. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of March, 1990 that a Petition for a Zoning Variance to permit parking of a boat 8 ft. x 22 ft. and a boat trailer 9 ft. x 23 ft. in front yard of his house at 7706 Philadelphia Road, in lieu of the required 8 feet setback, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED IN PART, subject, however, to the following restrictions:

1. The Petitioner shall be permitted to store the subject boat in the front yard area of the subject property during the period of October 15 thru April 30th only and in each and every year thereafter, provided that the Petitioner owns the subject boat and resides on the subject property. The Petitioner shall be permitted to park the subject boat trailer in the front yard area year round.
2. All relief granted, pursuant to this Order, shall immediately terminate without further public hearing if one or more of the following contingencies occur:
 - a. Petitioner's fee simple interest in the property known as 7706 Philadelphia Road is terminated;
 - b. Petitioner ceases to reside at 7606 Philadelphia Road for more than 280 days out of any calendar year beginning with 1/1/90;
 - c. The said boat and trailer is no longer titled in Petitioner's name.

Robert Haines
 Zoning Commissioner
 for Baltimore County

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Town, Maryland 21204
 (301) 887-3333
 J. Robert Haines
 Zoning Commissioner

March 20, 1990

Mr. Oliver W. Strong
 7706 Philadelphia Road
 Baltimore, Maryland 21237

RE: Petition for Zoning Variance
 Case No. 90-351-A

Dear Mr. Strong:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
 J. Robert Haines
 Zoning Commissioner

JRH:am
 wcl
 cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-351-A

The undersigned, legal owner(s) of the property shown in the attached plat, which is described in the description and plat attached hereto, hereby petition for a Variance from Section 415 A.1. to permit parking of a boat 8 ft. x 22 ft. and a boat trailer 9 ft. x 23 ft. in the front yard of his house at 7706 Philadelphia Road, in lieu of the required 8 feet setback, as more particularly described on Petitioner's Exhibit No.1.

The Petitioner, Oliver W. Strong, appeared and testified. There were no Protestants.

Testimony and evidence indicate that the subject property, known as 7606 Philadelphia Road, is zoned D.R.S.5, and is improved with an existing single family dwelling. Mr. Strong testified that he has stored a boat and trailer in his front yard for the past 12 years, but was recently advised that a change in the Baltimore County Zoning Regulations (S.C.2.R.) now prohibits such storage. He indicated that, in view of the narrowness of the side yards, there is insufficient area to locate the boat in his rear yard. He also testified that the boat is only stored in his front yard between the months of October and April and that, during the remainder of the year, the boat is stored at a relative's shore home with only the trailer remaining on the driveway.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay minimum of above Variance advertising, posting, etc., upon filing of this petition and before the hearing and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalty of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
 (Type or Print Name)
 Signature
 Address
 City and State

Legal Owner(s):
 (Type or Print Name)
 Signature
 Address
 City and State

Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City and State

Attorney's Telephone No.: 7706 Philadelphia Rd. 887-3391

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of March, 1990 that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 100, City Hall, Baltimore, Maryland, on the 14th day of March, 1990 at 2 o'clock P.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

DEED, Made this 25th day of August, 1989

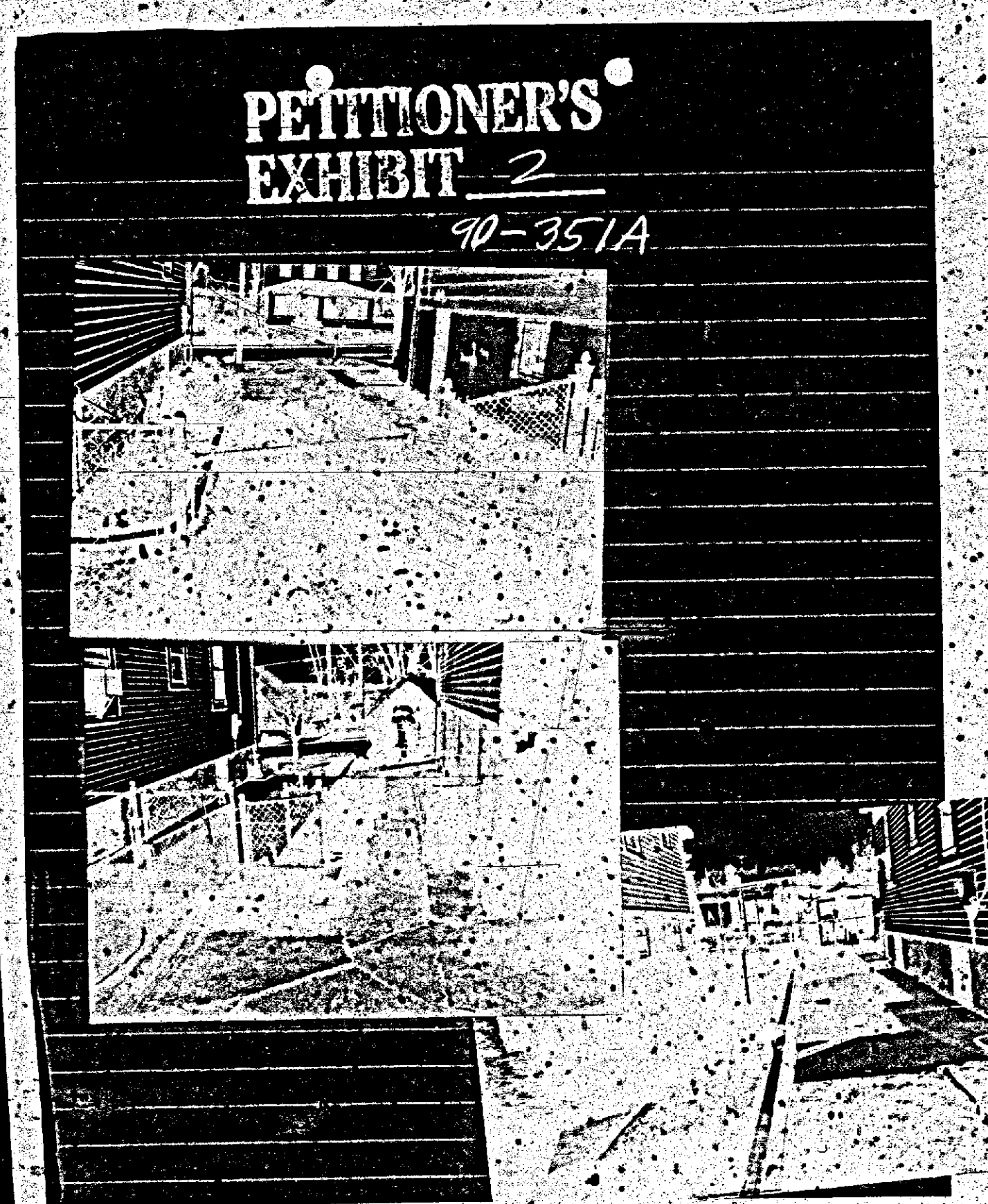
one year one thousand nine hundred and sixty-five

BY Oliver W. Strong and Ann B. Strong, his wife, of the first part, and LIVER W. STRONG and Ann B. STRONG, his wife, of the second part.

Witnesseth, That in consideration of the sum of five dollar and other good and valuable consideration, the receipt whereof is hereby acknowledged, the said parties of the first part do grant and convey unto the said parties of the second part, as tenants by the entirety, their assigns, and the survivors of them, his or her heirs and assigns in fee simple, all those lots of ground situate, lying and being in Baltimore County and described as follows, that is to say:

BEGINNING FOR THE same on the Northwesternmost side of Philadelphia Road at a point distant 100 feet Southwesterly from the corner formed by the intersection of the Northwest side of Philadelphia Road and the Southwest side of Beatty Avenue, said point of beginning being also the dividing line between Lots Nos. 8 and 9 in Block No. 1 on the Plat of Longview, Section A, and running thence Southwesterly binding on the Northwest side of Philadelphia Road a distance of 10 feet to the dividing line between Lots Nos. 6 and 7 as shown on said plat; thence Northwesterly and binding on said dividing line a distance of 150 feet to the rear outline of said plat; a distance of 10 feet and thence Southwesterly and binding on the dividing line between Lots Nos. 8 and 9 a distance of 150 feet to the place of beginning, said lot being and comprising Lots Nos. 7 and 8 in Block No. 1, Section A on the Plat of Longview, recorded among the Plat Records of Baltimore County in Plat Book M.P.C. No. 7 folio 104. The improvements thereon being known as 7706 Philadelphia Road.

Subject to restrictions in Liber L.M.C.M. 630 folio 28.



90-351-A
 7706 Philadelphia Rd - March 14, 1990 2:00PM

Zoning Commissioner
 Baltimore County
 111 W. Chesapeake
 Ball MD 21204

RECEIVED
 MAR 9 1990
 ZONING OFFICE

To Whom It May Concern:

As a resident of 7706 Philadelphia Rd I am writing to object to any noise, smoke, or other nuisance coming from the boat and commercial vehicles in a residential zone. Not only does the boat block the view for me to get from my driveway but it is also against the zoning code. I trust you will enforce this code.

I am yours truly,
Paul S. Allen

90-351-A
ZONING ENFORCEMENT
Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 213
Petitioner: Oliver W. Strong

DATE: December 27, 1989

VIOLATION CASE # C-90-1081
LOCATION OF VIOLATION 7706 Philadelphia Road
DEFENDANT Oliver & Ada Strong
ADDRESS 7706 Philadelphia Road
Baltimore, Maryland 21237

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/lw

NOTICE OF HEARING

The Zoning Commission of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitioner: Oliver W. Strong
Case Number: 90-351-A
N/S of Philadelphia Road, 115' SW of c/l of Beatty Road
7706 Philadelphia Road
14th Election District - 7th Councilmanic
Petitioner(s): Oliver W. Strong
HEARING: WEDNESDAY, MARCH 14, 1990 at 2:00 p.m.

Variances: To permit parking of boat, 8 ft. by 22 ft., on a Calking boat trailer, 9 ft. by 15 ft., in front of house in driveway in lieu of the required setback.

NOTE: If the "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.

J. Robert Haines
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

CERTIFICATE OF PUBLICATION

February 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 14, 1990.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER
S. Zabe Orlan
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1474 Date of Posting: 2/23/90

Posted for: Oliver W. Strong

Petitioner: Oliver W. Strong

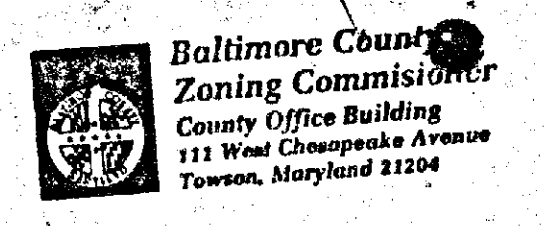
Location of property: N/S of Phil Rd, 115' SW of Beatty Rd, 7706 Phil Rd

Location of Sign: Phil Rd, approx. 20 ft. N. of Hwy, on property of Petitioner

Remarks: [Signature]

Posted by: [Signature] Date of return: 2/28/90

Number of Signs: 1



Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number: 1709

90-351

3/14/90

PUBLIC HEARING FEES 1010.00
000-POSTING SIGNS / ADVERTISING 1 X 1010.00
LAST NAME OF OWNER: STRONG

9 8 093-12156-1 3145F
Please make checks payable to: Baltimore County

Cashier Validation: [Signature]

12-25-2 JED
ZONING ENFORCEMENT
Baltimore County
Zoning Office
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No. 213
Petitioner: Oliver W. Strong

DATE: December 27, 1989

VIOLATION CASE # C-90-1081
LOCATION OF VIOLATION 7706 Philadelphia Road
DEFENDANT Oliver & Ada Strong
ADDRESS 7706 Philadelphia Road
Baltimore, Maryland 21237

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

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After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

ech/lw

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-351-A
N/S of Philadelphia Road, 115' SW of c/l of Beatty Road
7706 Philadelphia Road
14th Election District - 7th Councilmanic
Petitioner(s): Oliver W. Strong
HEARING: WEDNESDAY, MARCH 14, 1990 at 2:00 p.m.

Variances: To permit parking of boat, 8 ft. by 22 ft., on a Calking boat trailer, 9 ft. by 15 ft., in front of house in driveway in lieu of the required setback.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE: If the "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Oliver W. Strong

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

DATE 3/2/90



Mr. Oliver W. Strong
7706 Philadelphia Road
Baltimore, Maryland 21237

Re: Petition for Zoning Variance
CASE NUMBER: 90-351-A
N/S of Philadelphia Road, 115' SW of c/l of Beatty Road
7706 Philadelphia Road
14th Election District - 7th Councilmanic
Petitioner(s): Oliver W. Strong
HEARING: WEDNESDAY, MARCH 14, 1990 at 2:00 p.m.

Dear Mr. Strong:

Please be advised that \$121.56 is due for advertising and posting of the above captioned property.

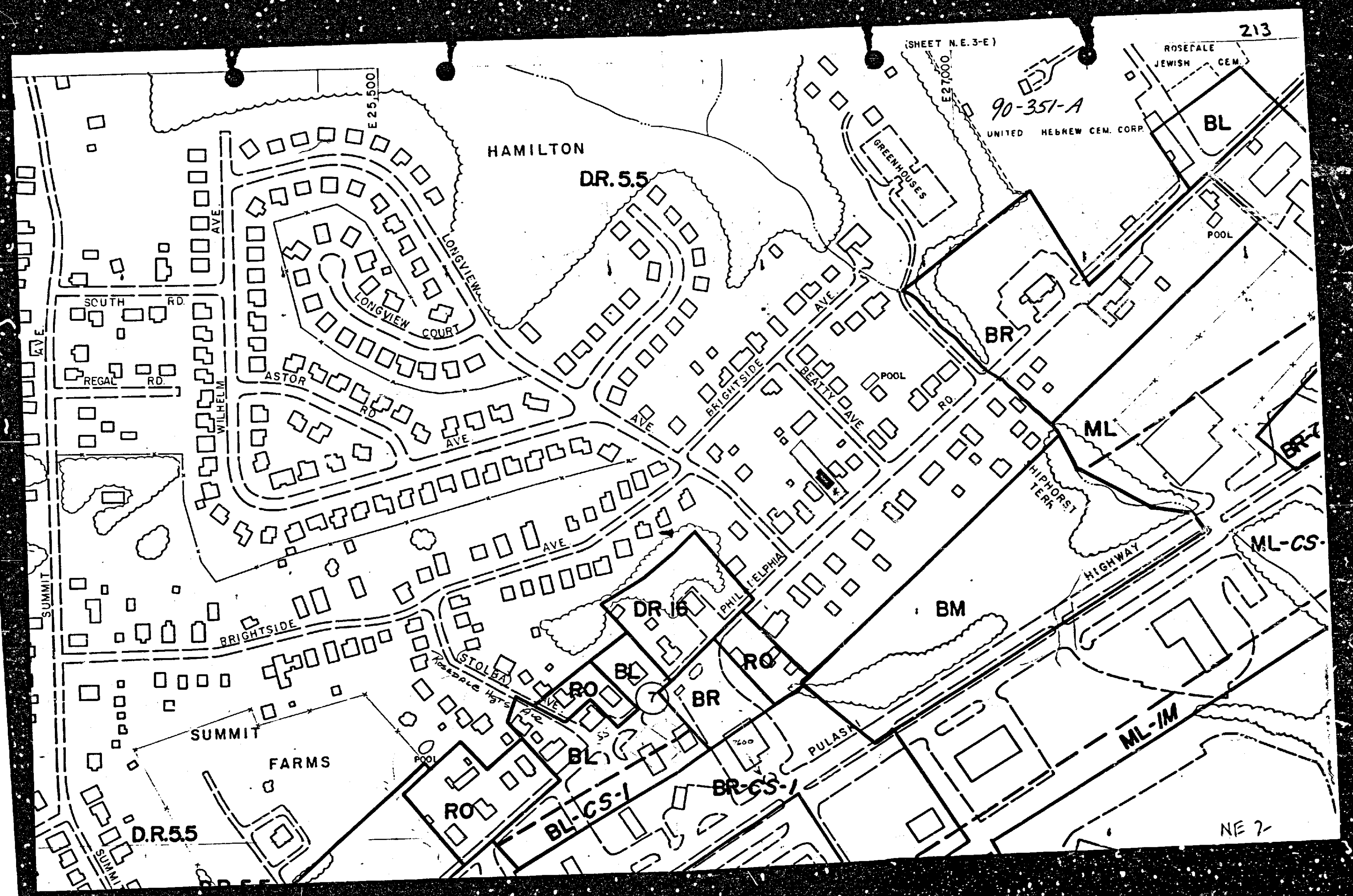
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

NOTE: If the "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3351 to confirm hearing date.



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

March 6, 1990

Mr. Oliver W. Strong
7706 Philadelphia Road
Baltimore, MD 21237

RE: Item No. 213, Case No. 90-351-A
Petitioner: Oliver W. Strong
Petition for Zoning Variance

Dear Mr. Strong:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
17th day of January, 1989.

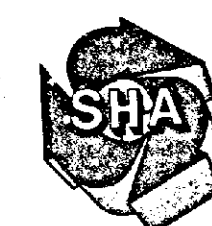
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Oliver W. Strong

Petitioner's Attorney:



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

January 19, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
Oliver W. Strong
Property
Zoning meeting 1/16/90
N/S Philadelphia Road
MD 7
11" west of
Beatty Road
Item #213

Dear Bob:

After reviewing the submittal for a variance to permit parking a boat at your house, in the driveway in lieu of the required setback, we find the plan acceptable having the boat outside State Highway Administration (SHA) right-of-way on Philadelphia Road.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Oliver W. Strong
Mr. J. Ogile

RECEIVED
JAN 25 1990

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: January 18, 1990

TO: J. Robert Haines
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Oliver W. Strong, Item 213

The Petitioner requests a Variance to allow a recreation vehicle to be located other than where permitted by the zoning regulations.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

JANUARY 29, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: OLIVER W. STRONG
Location: NW/S OF PHILADELPHIA ROAD
Item No.: 213 Zoning Agenda: JANUARY 16, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 16, 1990.

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 182, 209, 211, 213, 215, 216 and 218.

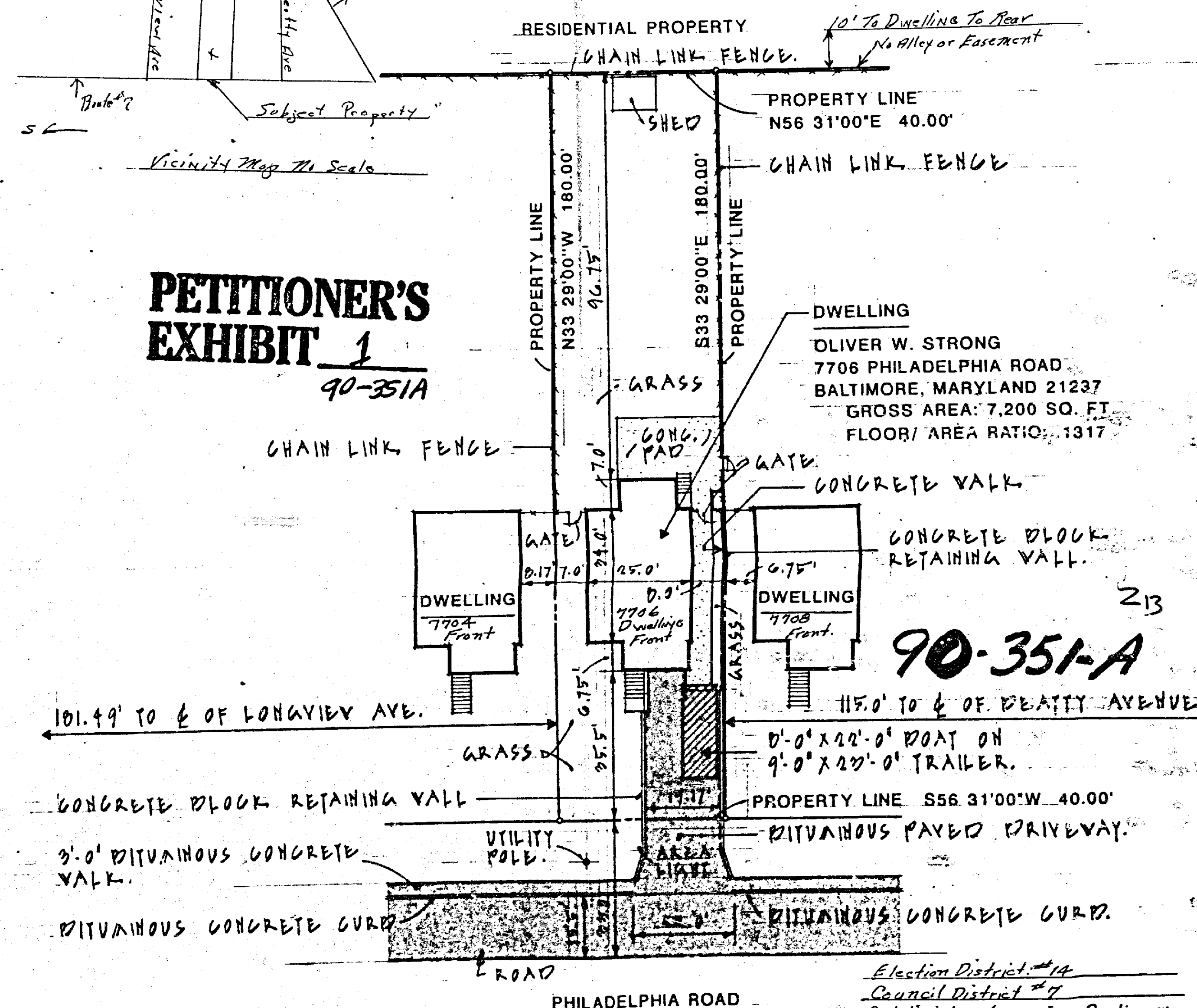
For Items 214 and 222 the County Review Group Comments for each item still apply.

For Item 217 the County Review Group Comments still apply. There are many discrepancies on the boundary of the storm water management reservation compared to the record plats, and an 8-foot vertical difference in grades between Sections 1 and 2 adjacent to lot 74.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

PETITIONER'S EXHIBIT 1 90-351A



SITE PLAN

SHOWING EXISTING
CONDITIONS.
SCALE: 1" = 20'-0"

Election District #14
Council District #7
Subdivision: Longview Section
Lots #118-B, 119-B, 120-B, 121-B, 122-B
Existing Public Utilities: Philadelphia Rd.
This Property is Not in Critical Area
Zoned R-1.5-S